

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CRYSTAL JACKSON, individually and on
behalf of all others similarly situated

Plaintiff,

v.

STUART L. SAGAL, et al

Defendants.

Case No. 1:18-cv-495-GLR

**RULE 56(d) DECLARATION OF PETER A. HOLLAND REGARDING
FACTS UNAVAILABLE TO NONMOVANT**

Being of lawful age, I hereby declare based on personal knowledge as follows:

1. The Defendants have submitted an Affidavit stating that “there is a \$50 minimum fee incurred at the time the case is assigned to [Sagal] for collection.” ECF 7-2 at ¶ 3. The Affidavit does not state that the \$50 minimum fee is incurred *by the client* (see Complaint at f.n. 1: “such reasonable fees as are incurred by the Landlord”). Further, the Affidavit does not specify whether this is for all clients at all times, or just for the client at issue in the instant case. Moreover, no documentary evidence such as a redacted fee agreement listing the \$50 minimum fee or cancelled checks or invoices are provided.

2. Given the vague nature of the Affidavit, there is no way for the Plaintiff to test the scope, veracity or accuracy of the statements made in the Affidavit without the opportunity to conduct paper and deposition discovery. The facts and documents necessary to adequately oppose the Sagal Affidavit are in the possession of the

Defendants.

3. If the court does not deny the motion for summary judgment outright, then Plaintiff asks the court to defer a ruling on summary judgment until after the Plaintiff has had the opportunity to conduct written and deposition discovery on the matters raised in the Sagal Affidavit. This is especially needed in light of the vague nature the asserted "\$50 minimum fee incurred at the time the case is assigned to [Sagal] for collection." The documents and testimony needed to oppose the facts asserted in the Affidavit would include a redacted fee agreement, invoices, cancelled checks, and testimony from a representative of Sagal.

Pursuant to 28 U.S.C.A. § 1746 and FRCP 56(d), I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 19, 2018

Respectfully submitted,

/s/ Peter A. Holland
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